

# Austin & Rogers, P.A.

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(1930-2016)

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December 11, 2017

**VIA, ELECTRONIC FILING**

The Honorable Jocelyn Boyd  
Chief Clerk and Administrator  
The Public Service Commission of South Carolina  
101 Executive Center Drive  
Columbia, South Carolina 29210

Re: ● Docket 2017-348-W  
● Reply to Response to the Motion to Dismiss

Ms. Boyd:

Enclosed for filing in the above-referenced Docket, please find the Docket Cover Sheet, Reply to Response to the Motion to Dismiss and Certificate of Service.

Please notify the undersigned if you there is anything else you may need.

Respectfully Submitted,

/s/ \_\_\_\_\_  
Richard L. Whitt

RLW/cas

**BEFORE  
THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NO. 2017-348-W**

IN RE:	)	
William A. Byrd, Sr.,	)	
	)	
Complainant/Petitioner,	)	<b>REPLY</b>
	)	<b>TO</b>
v.	)	<b>RESPONSE TO</b>
	)	<b>MOTION TO DISMISS</b>
The City of Columbia,	)	
	)	
Defendant/Respondent.	)	

**INTRODUCTION**

On or about, November 13, 2017, William A. Byrd, Sr., (“Mr. Byrd”), commenced this matter by filing a Complaint with the Public Service Commission of South Carolina, (“Commission”). Defendant/Respondent, The City of Columbia, (“City”), filed a Motion to Dismiss on December 4, 2017. Mr. Byrd filed a “Reply (*sic*)” to the City’s Motion to Dismiss, on December 7, 2017. The City’s Reply to Mr. Byrd’s [Response] follows.

**REPLY**

1. Mr. Byrd apparently is arguing that Section 58-5-30, S.C. Code Ann., (1976, as amended), is not controlling in this dispute, but Mr. Byrd provides no compelling basis for such an argument, and Mr. Byrd’s argument is inapposite.
2. Mr. Byrd’s general argument with reference to a South Carolina Supreme Court Opinion, concerning the City’s water operations, provides no legal basis to grant jurisdiction to this Commission in this dispute.
3. Finally, Mr. Byrd ask this Commission to, “...set aside the City of Columbia’s Municipal protections...”, which is not in the jurisdiction of this Commission.
4. Mr. Byrd’s responsive document contains serious allegations against the City, all of which are expressly denied by the City.

**CONCLUSION**

Based on the foregoing, and the authorities cited, this Commission should inquire in this matter and issue its Order dismissing Mr. Byrd's Complaint, with prejudice and for such other and further relief as this Commission may deem just and appropriate.

/s/

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December 11, 2017

Columbia, South Carolina

**BEFORE  
THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NO. 2017-348-W**

IN RE:	)	
William A. Byrd, Sr.,	)	
	)	
Complainant/Petitioner,	)	
	)	
v.	)	<b>CERTIFICATE OF SERVICE</b>
	)	
The City of Columbia,	)	
	)	
Defendant/Respondent.	)	

I, Carrie A. Schurg, an employee of Austin & Rogers, P.A., certify that I have served copies of the Cover Sheet, Reply to Response to the Motion to Dismiss and this Certificate of Service, as indicated below, via electronic mail on December 11, 2017.

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/s/ \_\_\_\_\_  
Carrie A. Schurg

December 11, 2017  
Columbia, South Carolina